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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,994	03/20/2007	Teunis Abram Klijn	00307.0045.PCUS00	9248

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EXAMINER

ROBINSON, ELIZABETH A

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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03/25/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/586,994	Applicant(s) KLIJN ET AL.	
	Examiner Elizabeth Robinson	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) 10-18 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 19 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7-21-2006, 1-14-2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I, claims 1-8, 19 and 21 in the reply filed on January 14, 2010 is acknowledged. The traversal is on the ground(s) that Rohrbaugh et al. (US 2003/0180466) does not teach a water-borne coating composition. This is not found persuasive because the coating composition of Rohrbaugh has an aqueous carrier medium (see previous Office Action top of page 3) and thus, is water-borne. The Examiner maintains that the coating composition of Rohrbaugh meet the limitations of the common technical feature of the instant groups of claims and thus, the instant coating composition does not exhibit "special technical features".

The requirement is still deemed proper and is therefore made FINAL.

Claims 10-18 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on January 14, 2010.

Regarding Applicant's note that the International Preliminary Searching Authority did not find lack of unity of invention, although restriction was not required in the international application, the fact remains that the restriction in the present application is proper for the reasons set forth above (also see MPEP 1850 II and 1893).

Specification

The disclosure is objected to because of the following informalities: On page 13, line 6 there is a sentence that only contains the word "With".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, it is unclear what the weight percentage for the dispersing agent is based on (total weight of the coating composition, solids in the composition, etc.).

The preamble of Claim 21 states the stain blocking water borne coating composition of claim 18, but claim 18 is directed to the use of inorganic nano-particles as a stain blocking agent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Rohrbaugh et al. (US 2002/0028288) in view of evidence provided by Bejoy (Hydrotalcite article).

Regarding claims 1-3, 19 and 21, Rohrbaugh (abstract) teaches coating compositions comprising a nanoparticle system that can provide anti-soil deposition (stain blocking). The nanoparticles (Paragraph 53) can be hydrotalcite. As evidenced by Bejoy (Page 57), hydrotalcite is inorganic anionic clay and has a layered structure with a crystal structure with positively charged layers (Box 1, Page 58) and is a layered double hydroxide (LDH). The coating composition (Paragraph 252) can comprise the nanoparticles, an aqueous carrier medium (water borne) and polymers (organic binder). Since the modification of the LDH is optional, the presence of the nanoparticles meets the limitations of claims 19 and 21.

Regarding claim 4, the water borne coating can comprise polymeric materials adsorbed on the nanoparticles (Paragraph 116). The nanoparticles are dispersed in the water borne coating and thus, the polymer is a dispersion in the aqueous carrier medium. The polymer can be a polymer formed from monomers of (meth)acrylate esters of fluorinated alkyl groups (acrylic polymers).

Regarding claim 5, the coating can also comprise additives including many of the additives of the instant claim (Paragraph 252).

Regarding claim 6, the water borne coating can be a clear coat composition (Paragraph 264).

Regarding claims 7, 19 and 21, the coating composition can also comprise a dispersing agent at about 0.01 to about 5% by weight of the coating composition (Paragraphs 70, 88, and 89).

Regarding claim 8, the coating composition can comprise the nanoparticles at less than or equal to about 50% by weight of the coating composition (Paragraph 81). The coating composition can comprise adjunct materials at about 0.01 to about 99.99% by weight of the coating composition (Paragraph 91). The adjunct materials include polymers (organic binders) (Paragraph 252).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Robinson whose telephone number is (571)272-7129. The examiner can normally be reached on Monday- Friday 8 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. R./

Elizabeth Robinson
Examiner, Art Unit 1794

March 19, 2010

/Callie E. Shosho/

Supervisory Patent Examiner, Art Unit 1794